

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW HAMPSHIRE**

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In Re: Michael Salvanello

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Case No.: 17-10485-BAH  
Chapter 13

Debtor

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U.S. Bank Trust, NA

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Hearing Date: 11/4/20  
Hearing Time: 10:00 A.M.

Movant

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v.

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Michael Salvanello

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Respondent

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**DEBTOR'S AMENDED ANSWER AND OBJECTION**  
**TO**  
**MOVANT'S MOTION FOR RELIEF FROM AUTOMATIC STAY**

**NOW COMES** the Debtor and Respondent in the above-captioned matter, Michael Salvanello, by and through his Attorney, Raymond J. DiLucci, Esq. and Answers and Objects to Movant's Motion for Relief from Automatic Stay and in support thereof says:

1. That the Respondent admits the allegations contained in paragraph 1.
2. That the Respondent admits the allegations contained in paragraph 2.
3. That the Respondent admits the allegations contained in paragraph 3.
4. That the Respondent admits the allegations contained in paragraph 4.
5. That the Respondent admits the allegations contained in paragraph 5.
6. That the Respondent denies the allegations contained in paragraph 6 and states that he believes payments are current. The Respondent further states that based upon his most recent mortgage statement, his payment due for October, 2020 was (\$337.16). (See Exhibit A)
7. That the Respondent lacks sufficient knowledge to admit or deny the allegations contained in paragraph 7.
8. That the Respondent admits the allegations contained in paragraph 8.

9. That the Respondent lacks sufficient knowledge to admit or deny the allegations contained in paragraph 9.
10. That the Respondent admits the allegations contained in paragraph 10.
11. That the Respondent lacks sufficient knowledge to admit or deny the allegations contained in paragraph 11.
12. That the Respondent admits the allegations contained in paragraph 12.
13. That the Respondent admits the allegations contained in paragraph 13.
14. That the Respondent admits the allegations contained in paragraph 14.
15. That the Respondent admits the allegations contained in paragraph 15.
16. That the Respondent admits the allegations contained in paragraph 16 regarding the current monthly mortgage payment amount, however, lacks sufficient knowledge to admit or deny the allegations regarding alleged legal fees incurred.
17. That the Respondent denies the allegations contained in paragraph 17 and states that he believes payments have been made which were not applied properly prior to the filing of this Motion. Specifically, the Respondent states that a payment was made in September which, according to the most recent statement, was received on September 18, 2020. The Respondent additionally states that two (2) payments were sent at the beginning of October.
18. That the Respondent admits that as of the Petition date, he owed arrearages of \$16,229.96.
19. That the Respondent admits the allegations contained in paragraph 19, and states that although the Movant is seeking Relief, he denies that they are entitled to Relief.
20. That the Respondent denies the allegations contained in paragraph 20 and restates that he believes payments have been made which were not properly applied.
21. That the Respondent denies the allegations contained in paragraph 21 and states that the Respondent's substantial equity provides adequate protection to the Movant.
22. That in the attached worksheet, the section regarding the alleged default states it is "Status of Default as of October 5, 2019", however states the last payment was allegedly received on July 28, 2020.
23. That in the attached worksheet, the information in box 22 references post-petition fee notices which were filed on various dates, however does not appear to reference the payment of any such fees in prior Motions for Relief, although some were paid by the Debtor. (See Exhibit B.)
24. That the attached worksheet's "Representations Regarding Other Liens Attaching to the Property" is not properly and completely filled in, as the address of the Movant is not included.

**WHEREFORE**, the Respondent respectfully request that this Honorable Court:

- A. Deny Movant's Motion for Relief from Automatic Stay; and
- B. Deny Movant's Motion for Attorneys fees and costs; and
- C. For such other and further relief as is deemed fair, just and equitable.

Respectfully submitted,  
Michael Salvanello  
By and through his Attorney,

Dated: October 28, 2020

/s/ Kathleen E. McKenzie, Esq.  
Kathleen E. McKenzie, Esquire  
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